



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/010,953	08/07/97	TOROFF	76

SHERIDAN ROSS
ROBERT BRUNELLI
1700 LINCOLN STREET
DENVER CO 80203-4501

0811/0923

EXAMINER
PAWELCZAK, J

ART UNIT	PAPER NUMBER
3721	4

DATE MAILED:

09/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/910,963

Applicant(s)

TUOFF

Examiner
John Paradiso

Group Art Unit
3721



☒ Responsive to communication(s) filed on Aug 7, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Aug 7, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3721

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: inner splines "IS", recited on page 7 of the Specification.

Correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 9, the "reaction arms" has no antecedent basis. This reference may be referring to the "reaction arm" (singular) of claim 1 line 7.

Art Unit: 3721

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by JUNKERS.

JUNKERS discloses a fluid-operated wrench with a cylinder (2) and piston (3) comprising a drive unit, spaced from an engaging end (27) which engages a nut (A). A reaction member (24) connects drive unit to the engaging means and comprises a ring (25) and has outer splines (26) which interface with inner splines (15).

(See JUNKERS columns 2-3 and figures 1-2.)

Art Unit: 3721

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JUNKERS.

JUNKERS substantially discloses the claimed invention except for a locking and unlocking means comprising a spring-biased slider.

Applicant is given Official Notice that a spring-biased slider used as a locking means is well known in the art (used for instance, to lock/unlock knife blades, folding table legs, movable parts on toys, etc.) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a spring-biased slider to form a locking/unlocking member on the invention of JUNKERS in order to give the user more positive control over the tool.

Art Unit: 3721

Conclusion

7. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- SLATCHER discloses a hydraulic power tool using splines to connect a reaction arm to an engaging means.
- PETERSON discloses a torque wrench using splines to interconnect parts.
- DeCAUSSIN discloses a power tool using splines for interconnecting parts.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to:



Examiner John Paradiso
Telephone: (703) 308-2825
Fax: (703) 305-3579/3580



SCOTT A. SMITH
PRIMARY EXAMINER

September 15, 1998